

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KHALAIRE ALLAH,

Plaintiff,

-against-

DAVID S. DINELLO, et al.,

Defendants.

No. 23-CV-3286 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Defendants in the above-captioned case and in each of the cases listed below have filed motions in limine seeking to preclude Plaintiffs from eliciting the testimony at trial of non-party character witnesses pursuant to Federal Rule of Evidence 404(b), or otherwise to limit such testimony. (See dkt. nos. 120, 124.)

In a subsequent status report filed jointly by the parties on July 12, 2024, Plaintiffs stated that they "have elected to forego Rule 404(b) witnesses[.]" (See dkt. no. 135 at 2.) Defendants stated that they construed Plaintiffs' decision as a waiver of their decision to call such 404(b) witnesses but reserved their right to renew their motions in limine seeking to preclude or limit the testimony of such witnesses should Plaintiffs seek to elicit such character testimony at trial. (See id. at 1.)

The Court likewise concludes that Plaintiffs have chosen to forego eliciting the Rule 404(b) character testimony they had previously intended to introduce at trial. Accordingly,

Defendants' motions in limine seeking to preclude or limit such testimony are denied as moot, without prejudice to Defendants' rights to reinstate or renew such motions in the event Plaintiffs seek again to introduce such character witness testimony at trial in the above-captioned case and in the cases listed below.

The Clerk of the Court is respectfully directed to close docket entries 120 and 124.

The Clerk of the Court shall also docket this order in each of the cases listed below and close each of the docket entries listed below.

- Alston v. Mueller, 23-cv-3290: close docket entries 70 and 73.
- Bernard v. Dinello, 23-cv-3323: close docket entries 72 and 75.
- Crichlow v. Dinello, 23-cv-3386: close docket entries 73 and 76.
- Diggs v. Dinello, 23-cv-7149: close docket entries 59 and 61.
- Dunbar v. Hammer, 23-cv-3391: close docket entries 48 and 51.
- Farrell v. Silver, 23-cv-9488: close docket entry 18.
- Feola v. Mueller, 23-cv-3393: close docket entries 61 and 64.
- Frateschi v. Hammer, 23-cv-3394: close docket entries 61 and 64.
- Hale v. Mueller, 23-cv-3396: close docket entries 34 and 37.

- Jacks v. Mueller, 23-cv-3288: close docket entries 86 and 89.
- Jacobs v. Mueller, 23-cv-3606: close docket entries 64 and 67.
- Locenitt v. Dinello, 23-cv-3399: close docket entries 118 and 121.
- Lorandos v. Mueller, 23-cv-7369: close docket entries 47 and 50.
- Miller v. Hammer, 23-cv-3462: close docket entries 45 and 49.
- Oleman v. Hammer, 23-cv-3607: close docket entries 52 and 55.
- Ortiz v. Dinello, 23-cv-3547: close docket entries 98 and 102.
- Perez v. Dinello, 23-cv-3300: close docket entries 79 and 82.
- Pine v. Hammer, 23-cv-7148: close docket entries 42 and 45.
- Reyes v. Dinello, 23-cv-3315: close docket entries 73 and 76.
- Rhodes v. Hammer, 23-cv-9490: close docket entries 20 and 22.
- Rivera v. Hammer, 23-cv-3700: close docket entries 66 and 69.
- Rosado v. Mueller, 23-cv-3718: close docket entries 102 and 105.
- Van Guilder v. Mueller, 23-cv-3398: close docket entries 77 and 80.
- Wilkerson v. Hammer, 23-cv-3397: close docket entries 91 and 95.

- Williams v. Dinello, 23-cv-3608: close docket entries 71 and 74.
- Windley v. Hammer, 23-cv-7151: close docket entries 58 and 61.

**SO ORDERED.**

Dated: October 1, 2024  
New York, New York

  
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LORETTA A. PRESKA  
Senior United States District Judge